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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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LLEWELLYN ANGELO WILLIAMS,

Plaintiff,

-against-

DECLARATION IN SUPPORT OF MOTION TO OPPOSE SUMMARY JUDGMENT

THE CITY OF NEW ROCHELLE, THE CITY OF NEW ROCHELLE POLICE DEPARTMENT, SERGEANT DANIEL CONCA, SERGEANT JOHN INZEO, SERGEANT KYLE WILSON, POLICE OFFICER EDWARD SILLER

Docket No. 13-CV-3315 (NSR)

Defendants.
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RUSSELL B. SMITH, an attorney duly admitted to practice law before the United States District Court for the Southern District of New York, hereby affirms, pursuant to 28 U.S.C. § 1746, and under penalty of perjury, as follows.

1. I am the attorney for the Plaintiff, Llewellyn Angelo Williams, in the above-captioned action.

2. I submit this declaration in support of the Plaintiff's motion to oppose summary judgment. I have knowledge of the facts set forth below based on my review of the Court's file and the file maintained by this office in this action.

3. Annexed hereto as **Exhibit A** is a copy of this Court's decision on May 29, 2014. See *Williams v. City of New Rochelle*, 2014 U.S. Dist. LEXIS 74111 (S.D.N.Y. 2014).

4. Annexed hereto as **Exhibit B** is a copy of the amended complaints filed on December 4, 2014 (Docket Entry #57), and on April 22, 2016 (Docket Entry #88).

5. Annexed hereto as **Exhibit C** is a copy of the New Rochelle City Code Chapter 316.

6. Annexed hereto as **Exhibit D** is a copy of the Agreement between Safeway Towing, and the City of New Rochelle, dated February 3, 2004.

7. Annexed hereto as **Exhibit E** is a copy of The City of New Rochelle Request for Proposal, Motor Vehicle Towing, Storage, and Related Services.

8. Annexed hereto as **Exhibit F** are relevant pages from the deposition of Llewellyn Angelo Williams, taken January 9, 2015.

9. Annexed hereto as **Exhibit G** are relevant pages from the deposition of Llewellyn Angelo Williams, taken July 5, 2016.

10. Annexed hereto as **Exhibit H** are relevant pages from the deposition of Daniel Conca, taken February 11, 2015.

11. Annexed hereto as **Exhibit I** are relevant pages from the deposition of John Inzeo, taken February 11, 2015.

12. Annexed hereto as **Exhibit J** are relevant pages from the deposition of Edward Siller, taken February 11, 2015.

13. Annexed hereto as Exhibit K are relevant pages from the deposition of Kyle Wilson, taken February 11, 2015.

14. The undersigned is unaware of any dispute as to the authenticity of any of the documents or recordings annexed hereto.

WHEREFORE, for the reasons set forth in the accompanying memorandum of law, the City Defendant's motion for summary judgment should not be granted.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 30th day of December 2016.

Russell B. Smith, Esq.